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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,804	06/26/2003	Do-Woo Kang	K-0532	2798

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EXAMINER

LOUIS JACQUES, JACQUES H

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,804

Applicant(s)

KANG ET AL.

Examiner

Jacques H Louis-Jacques

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-10 is/are allowed.
- 6) ☒ Claim(s) 1, 5, 11, 12, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/08/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Zheng et al [US 2004/0193961].

Zheng et al discloses a method of, apparatus and graphical user interface for automatic diagnostic. According to Zheng et al, there is provided a mobile station 200 (e.g., a personal digital assistant, figure 1) comprising a first module 210 and a second module 220. According to Zheng et al, as described on page 3, the apparatus comprises test block including test command and a test user interface for testing the performance of the mobile station, wherein the test block and test interface are included within the mobile station. See figures 2 and 3. The apparatus, according to Zheng et al, tests the performance of the mobile station by operating the test block driven through the test user interface (figures 2 and 3 and page 3). See also page 4.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11-12 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zheng et al [US 2004/0193961] in view of Burch et al [6,826,473].

Zheng et al discloses the limitations as set forth above. However, Zheng et al does not particular discloses that the mobile terminal has a GPS function. However, a mobile terminal, such a personal digital assistant, having GPS functions or capabilities to determine the position of the PDA (mobile terminal) is well known in the art. Burch et al discloses a PDA with integrated navigation functions. According to Burch et al, GPS navigation data are integrated with the PDA. Accordingly, GPS function of the PDA permits for the determination of a location of the PDA. See figures 2-6. Thus, it would have been obvious to one skilled in the art at the time of the invention to be motivated to modify the graphical user interface for automatic diagnostic of Zheng et al by incorporating the GPS function of the PDA from the system of Burch et al because such modification, as suggested by Burch et al, would provide a more accurate and efficient determination of the position of the PDA.

Allowable Subject Matter

5. Claims 2-4 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 6-10 are allowed.

Response to Amendment

7. The amendments along with the arguments filed therewith on December 8, 2004 have been entered and carefully considered by the examiner.

The objection to abstract, the objection applied against claim 1, and the rejection under 35 USC 112, 2nd paragraph have been withdrawn.

As to the prior art rejection, Applicant argued that “the mobile station 10 [of Gaal] does not include a test block and a test interface for performing a test of the mobile station as claimed by the present invention.” Similar arguments are made with respect to the Rimoni publication. Notwithstanding Applicant’s arguments, a new ground of rejection has been applied against the claims.

In particular, Zheng et al discloses a method of, apparatus and graphical user interface for automatic diagnostic. According to Zheng et al, there is provided a mobile station 200 (e.g., a personal digital assistant, figure 1) comprising a first module 210 and a second module 220. According to Zheng et al, as described on page 3, the apparatus comprises test block including test command and a test user interface for testing the performance of the mobile station, wherein the test block and test interface are included within the mobile station. See figures 2 and 3. The apparatus, according to Zheng et al, tests the performance of the mobile station by operating the test block driven through the test user interface (figures 2 and 3 and page 3). See also page 4.

As to newly added claim 11, Zheng et al does not particularly discloses a GPS function of the mobile terminal. However, a mobile terminal, such a personal digital assistant, having GPS functions or capabilities to determine the position of the PDA (mobile terminal) is

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well known in the art. As evidenced by the references cited below, PDA with GPS function is well known. Accordingly, claim 11 is currently rejection under 35 USC 103 as being obvious over Zheng et al in view of Burch et al. Burch et al discloses a PDA with GPS function for determining a location of the PDA.

Accordingly, claims 1, 5, 11, 12, and 14-15 are currently rejected, claims 2-4, and 13 are objected to and claims 6-10 are allowed.

In light of the above, this office action is made final as necessitated by the amendment.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5,859,628	Ross et al	Jan. 1999
6,400,965	Phillips et al	Jun. 2002
6,754,509	Khan et al	Jun. 2004
6,774,795	Eshelman et al	Aug. 2004
US20040058652	McGregor et al	Mar. 2004
US20040203726	Wei	Oct. 2004
US20040204191	Raviv	Oct. 2004

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H Louis-Jacques whose telephone number is 703-305-9757. The examiner can normally be reached on M-Th 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703-305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jacques H Louis-Jacques
Primary Examiner
Art Unit 3661

Jacques H. Louis-Jacques
JACQUES H. LOUIS-JACQUES
PRIMARY EXAMINER